

Public Chapter 272

SENATE BILL NO. 525

By Rochelle

Substituted for: House Bill No. 922

By McMillan, Rhinehart, Fitzhugh, Pinion, Bowers, Gunnels

AN ACT To amend Tennessee Code Annotated, Section 1-3-105; Section 29-2-101 and Title 47, relative to electronic writings and signatures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 1-3-105, is amended by adding the following as a new item (23) and renumbering the subsequent items appropriately:

(23) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form;

And is further amended by deleting the newly renumbered item (28) in its entirety and substituting instead the following:

(28) "Signature" or "signed" includes a mark, the name being written near the mark and witnessed, or any other symbol or methodology executed or adopted by a party with intention to authenticate a writing or record, regardless of being witnessed;

SECTION 2. Tennessee Code Annotated, Section 29-2-101, is amended by adding the following as a new subsection (c);

(c) For purposes of this section, a writing, or some memorandum or note thereof, shall include a record.

SECTION 3. Tennessee Code Annotated, Section 47-1-201, is amended by adding the following as a new item (34) and renumbering the subsequent items appropriately:

(34) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form;

And is further amended by deleting the newly renumbered item (40) in its entirety and by substituting instead the following:

(40) "Signed" includes any symbol or methodology executed or adjusted by a party with intention to authenticate a writing or record;

SECTION 4. Tennessee Code Annotated, Section 47-1-206, is amended by deleting subsection (1) in its entirety and by substituting instead the following:

(1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by the way of action or defense beyond five thousand dollars (\$5,000) in amount or value of remedy unless there is some record which indicates that a contract for sale has been made between the parties as a defined or stated price, reasonably identifies the subject matter and is signed by the party against whom enforcement is sought or by his authorized agent.

SECTION 5. Tennessee Code Annotated, Section 47-2-201, is amended by deleting subsection (1) in its entirety and by substituting instead the following:

(1) Except as otherwise provided in this section, a contract for sale of goods for the price of five hundred dollars (\$500) or more is not enforceable by way of action or defense unless there is some writing or record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A writing or record is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing or record.

(2) Between merchants if within a reasonable time a writing or record in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against such party unless written notice of objection to its contents is given within ten (10) days after it is received.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.